

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MACARIO LOPEZ, ET AL.

CIVIL ACTION NO. 07-0431

versus

JUDGE HICKS

ALBERTSONS, L. L. C.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM RULING

Albertsons, L. L. C. filed a Notice of Removal based on an assertion of diversity jurisdiction. The court, pursuant to its duty to examine the basis for subject matter jurisdiction, issued an order the contained the following:

It appears, based on its name, that Albertson's is a limited liability company, but Albertson's pleaded its citizenship as if it were a corporation. See Notice of Removal, paragraph six. The rules for pleading and determining the citizenship of a corporation are quite different from those for an L.L.C. See Shreveport Group, L.L.C. v. Zurich North American Ins. Co., 2006 WL 1523203 (W. D. La. 2006).

Albertson's will be permitted until April 10, 2007 to file an Amended Notice of Removal and attempt to properly plead its citizenship.

The April 10 deadline passed more than thirty days ago, and Albertsons has not filed anything to attempt to meet its burden of establishing a factual basis for the exercise of diversity jurisdiction. Counsel for Albertsons contacted chambers soon after the deadline and confirmed that Albertsons is not going to attempt to provide the information needed to determine its citizenship. Accordingly, Albertsons has not satisfied its burden, and this case is hereby **remanded** to the 26th Judicial District Court, Bossier Parish, Louisiana.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 17th day of May, 2007.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE